



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

November 20, 1957

WILL WILSON
ATTORNEY GENERAL

Honorable Raymond W. Vowell
Acting Executive Director
Board for Texas State Hospi-
tals and Special Schools
Box S, Capitol Station
Austin, Texas

Opinion No. WW-302.

Re: Authority for the Board
for Texas State Hospitals
and Special Schools to ex-
pend moneys appropriated
to it to reimburse the
Texas Youth Council for
facilities and equipment
remaining at the Texas
Blind, Deaf and Orphans
School on the abandonment
of the present site.

Dear Mr. Vowell:

Your request for an opinion reads as follows:

"The Texas Youth Council has requested from this Board funds to assist them in relocating the Texas Blind, Deaf & Orphan School as authorized by Senate Bill 478, Acts, 55th Legislature, R.S., 1957. The problems encountered by the Youth Council are sufficiently stated in a letter from Hon. James A. Turman, Acting Executive Director, to the Hon. Ben Ramsey, Lieutenant Governor, dated November 1, 1957, a copy of which is enclosed for your information.

"It is the desire of this Board to assist the Youth Council if possible; however, we have considerable doubt as to the availability of funds to accomplish this purpose. In order that we might give a definite answer to the Youth Council's request, it is requested that we have the opinion of your office on the following question:

"Does this Board have authority to use any of the funds appropriated to this Board or its institutions by House Bill 133, Acts, 55th Legislature, R.S., 1957, to accomplish this purpose?"

According to the letter from the Honorable James A. Turman, Acting Executive Director, referred to in your request,

the Texas Youth Council desires that the Board for Texas State Hospitals and Special Schools reimburse the Youth Council for the value of various facilities, equipment and furnishing at the present site of the Texas Blind, Deaf and Orphans School Plant.

Sections 1, 2 and 3 of Senate Bill 478, Acts of the 55th Legislature, Regular Session, 1957, Chapter 389, provides as follows:

"Section 1. The Texas Youth Council is hereby authorized to relocate the State Blind, Deaf and Orphans School now situated on Bull Creek Road in the City of Austin, Texas, to a more suitable site.

"Sec. 2. From funds appropriated in the general appropriation bill, the Texas Youth Council is directed to construct a new Blind, Deaf and Orphans School.

"Sec. 3. The Texas Youth Council is authorized to enter into an inter-agency contract with the Board for State Hospitals and Special Schools for the purpose of transferring the present site of the Blind, Deaf and Orphans School to the Board for Texas State Hospitals and Special Schools for use by the Hospital Board as it so needs. The Texas Youth Council is further authorized to accept by an inter-agency contract suitable land now owned or acquired by the Hospital Board for the purpose of constructing a new Blind, Deaf and Orphans School. Should the State Hospital Board not have a suitable tract of land for such purposes, then in such event the State Hospital Board shall purchase a suitable tract of land in or near Austin, Texas to be approved by the Texas Youth Council in exchange for the present facilities at the Blind, Deaf and Orphans School. The Hospital Board is authorized to purchase such site out of any funds appropriated to them by House Bill No. 133 of the 55th Legislature; provided, however, such monies shall not be appropriated or transferred from any medical treatment funds, for the purpose of this Act.

Item 5 of the appropriation for the use and benefit of the Blind, Deaf and Orphans School contained in House Bill 133,

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Acts of the 55th Legislature, Regular Session, Chapter 385, provides:

"For the Years Ending	
August 31,	August 31,
1958	1959

"For constructing, equipping, paying architect's fees and furnishing a new institution at a site selected by the State Youth Council with the prior approval of the governor after obtaining the advice of the Legislative Budget Board. Construction of institution and the procurement of a site to be in accordance with the provisions of Senate Bill 478, 55th Legislature \$1,514,000 U. B."

Section 1 of Senate Bill 478 authorizes the Texas Youth Council to locate the State Blind, Deaf and Orphans School. Section 2 authorizes the Texas Youth Council to construct a new Blind, Deaf and Orphans School. Section 3 authorizes the Texas Youth Council to transfer to the Board for Texas State Hospitals and Special Schools the present site of the Blind, Deaf and Orphans School. Section 3 further authorizes the Youth Council to accept land of the Hospital Board to be used as a site for the new school, and specifically provides that in the event the Hospital Board does not have a suitable tract of land, it shall purchase such site from any money appropriated to the Board other than medical treatment funds.

The purchase of the tract of land by the Hospital Board to be approved by the Youth Council is "in exchange for the present facilities at the Blind, Deaf and Orphans School." Thus, the Legislature has specifically provided that the reimbursement to the Youth Council for the present site and facilities will be land purchased by the Board for Texas State Hospitals and Special Schools to be used as the site for the new plant to be constructed by the Youth Council out of moneys appropriated for that purpose. You are therefore advised that the Board for Texas State Hospitals and Special Schools is not authorized to reimburse the Youth Council for facilities, equipment and furnishing at the present site of the Blind, Deaf and Orphans School other than by the purchase of land above mentioned.

SUMMARY

The Board for Texas State Hospitals and Special Schools is authorized to purchase a suitable tract of land in or near Austin, to be approved by the Texas Youth Council in exchange for the present site, facilities, equipment and furnishing at the Texas Blind, Deaf and Orphans School Plant, but is not authorized to reimburse the Youth Council for the reasonable values thereof other than by the tract so purchased.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:am:wb

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman
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REVIEWED FOR THE ATTORNEY GENERAL

BY: James N. Ludlum